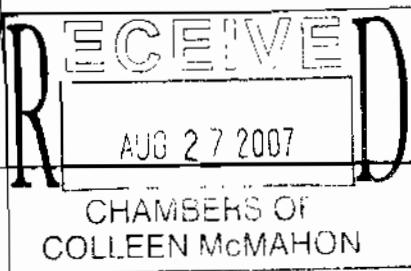




U.S. Department of Justice

United States Attorney
Southern District of New York86 Chambers Street, 3d Floor
New York, New York 10007

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August 27, 2007

By Facsimile - (212) 805-6326Hon. Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street, Room 640
New York, New York 10007**Re: Bustamonte v. Chertoff, 07 Civ. 6226 (CM)**

Dear Judge McMahon:

MEMO ENDORSED

I write respectfully to request a two-week extension of the Government's time to answer or otherwise respond to the complaint in this lawsuit challenging delay in the adjudication of a naturalization application pursuant to 8 U.S.C. § 1447(b). The Government's response is currently due on Tuesday, September 4, 2007, and the Government had anticipated filing an answer at that time. However, on Friday, August 24, 2007, U.S. Citizenship and Immigration Services denied the naturalization application in question. The Government believes that this adjudication moots plaintiff's claims and in other respects deprives the Court of jurisdiction over the matter. Accordingly, the Government now intends to respond to the complaint by a motion to dismiss pursuant to Rule 12(b)(1). The Government requests this two-week extension to allow for the preparation and filing of appropriate motion papers.

If the request is granted, the Government's new deadline will be Tuesday, September 18, 2007; no other scheduled dates will be affected. This is the Government's first request for an extension or adjournment in this matter. Plaintiff consents to this request for extension.

I thank the Court for its consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:

ROBERT WILLIAM YALEN
Assistant United States Attorney
Tel.: (212) 637-2722
Fax: (212) 637-2687cc: Paul O'Dwyer, Esq. (by fax - (646) 230-7381)
Counsel for Plaintiff



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Date: August 27, 2007
Pages
(incl. cover): 2

To: Hon. Colleen McMahon, U.S.D.J.
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Remarks: Bustamonte v. Chertoff, 07 Civ. 6226 (CM)

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